



Rep. Marcus C. Evans, Jr.

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1 AMENDMENT TO HOUSE BILL 2752

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2752 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Identification Act is amended by  
5 changing Sections 12 and 13 as follows:

6 20 ILCS 2630/12)

7 Sec. 12. Entry of order; effect of expungement or sealing  
8 records.

9 (a) Except with respect to law enforcement agencies, the  
10 Department of Corrections, State's Attorneys, or other  
11 prosecutors, and as provided in Section 13 of this Act, an  
12 expunged or sealed record may not be considered by any private  
13 or public entity in employment matters, certification,  
14 licensing, revocation of certification or licensure, or  
15 registration. Applications for employment must contain  
16 specific language which states that the applicant is not

1 obligated to disclose sealed or expunged records of conviction  
2 or arrest. The entity authorized to grant a license,  
3 certification, or registration shall include, in an  
4 application for certification, registration, or licensure,  
5 specific language stating that the applicant is not obligated  
6 to disclose sealed or expunged records of a conviction or  
7 arrest; however, if the inclusion of that language in an  
8 application for certification, registration, or licensure is  
9 not practical, the entity shall publish on its website  
10 instructions specifying that applicants are not obligated to  
11 disclose sealed or expunged records of a conviction or arrest.  
12 Employers and entities authorized to grant professional  
13 licenses, certifications, or registrations may not ask if an  
14 applicant has had records expunged or sealed.

15 (b) A person whose records have been sealed or expunged is  
16 not entitled to remission of any fines, costs, or other money  
17 paid as a consequence of the sealing or expungement. This  
18 amendatory Act of the 93rd General Assembly does not affect the  
19 right of the victim of a crime to prosecute or defend a civil  
20 action for damages. Persons engaged in civil litigation  
21 involving criminal records that have been sealed may petition  
22 the court to open the records for the limited purpose of using  
23 them in the course of litigation.

24 (Source: P.A. 93-211, eff. 1-1-04; 93-1084, eff. 6-1-05.)

1           Sec. 13. Retention and release of sealed records.

2           (a) The Department of State Police shall retain records  
3 sealed under subsection (c) or (e-5) of Section 5.2 or  
4 impounded under subparagraph (B) or (B-5) of paragraph (9) of  
5 subsection (d) of Section 5.2 and shall release them only as  
6 authorized by this Act. Felony records sealed under subsection  
7 (c) or (e-5) of Section 5.2 or impounded under subparagraph (B)  
8 or (B-5) of paragraph (9) of subsection (d) of Section 5.2  
9 shall be used and disseminated by the Department only as  
10 otherwise specifically required or authorized by a federal or  
11 State law, rule, or regulation that requires inquiry into and  
12 release of criminal records, including, but not limited to,  
13 subsection (A) of Section 3 of this Act, except such records  
14 shall not be used or disseminated in connection with an  
15 application for any professional or business licensure,  
16 registration, or certification not involving a health care  
17 worker position as defined in the Health Care Worker  
18 Self-Referral Act. However, all requests for records that have  
19 been expunged, sealed, and impounded and the use of those  
20 records are subject to the provisions of Section 2-103 of the  
21 Illinois Human Rights Act. Upon conviction for any offense, the  
22 Department of Corrections shall have access to all sealed  
23 records of the Department pertaining to that individual.

24           (b) Notwithstanding the foregoing, all sealed or impounded  
25 records are subject to inspection and use by the court and  
26 inspection and use by law enforcement agencies and State's

1 Attorneys or other prosecutors in carrying out the duties of  
2 their offices.

3 (c) The sealed or impounded records maintained under  
4 subsection (a) are exempt from disclosure under the Freedom of  
5 Information Act.

6 (d) The Department of State Police shall commence the  
7 sealing of records of felony arrests and felony convictions  
8 pursuant to the provisions of subsection (c) of Section 5.2 of  
9 this Act no later than one year from the date that funds have  
10 been made available for purposes of establishing the  
11 technologies necessary to implement the changes made by this  
12 amendatory Act of the 93rd General Assembly.

13 (Source: P.A. 97-1026, eff. 1-1-13; 97-1120, eff. 1-1-13;  
14 98-399, eff. 8-16-13; 98-463, eff. 8-16-13.)

15 Section 10. The Illinois Insurance Code is amended by  
16 changing Sections 500-30, 500-70, 1525, and 1555 and by adding  
17 Sections 500-76 and 1550 as follows:

18 (215 ILCS 5/500-30)

19 (Section scheduled to be repealed on January 1, 2027)

20 Sec. 500-30. Application for license.

21 (a) An individual applying for a resident insurance  
22 producer license must make application on a form specified by  
23 the Director and declare under penalty of refusal, suspension,  
24 or revocation of the license that the statements made in the

1 application are true, correct, and complete to the best of the  
 2 individual's knowledge and belief. Before approving the  
 3 application, the Director must find that the individual:

4 (1) is at least 18 years of age;

5 (2) has not committed any act that is a ground for  
 6 denial, suspension, or revocation set forth in Section  
 7 500-70 or 500-76 or the individual who committed the act  
 8 has been sufficiently rehabilitated;

9 (3) has completed, if required by the Director, a  
 10 pre-licensing course of study before the insurance exam for  
 11 the lines of authority for which the individual has applied  
 12 (an individual who successfully completes the Fire and  
 13 Casualty pre-licensing courses also meets the requirements  
 14 for Personal Lines-Property and Casualty);

15 (4) has paid the fees set forth in Section 500-135; and

16 (5) has successfully passed the examinations for the  
 17 lines of authority for which the person has applied.

18 (b) A pre-licensing course of study for each class of  
 19 insurance for which an insurance producer license is requested  
 20 must be established in accordance with rules prescribed by the  
 21 Director and must consist of the following minimum hours:

22 Class of Insurance	Number of
	23 Hours
24 Life (Class 1 (a))	20
25 Accident and Health (Class 1(b) or 2(a))	20
26 Fire (Class 3)	20

1	Casualty (Class 2)	20
2	Personal Lines-Property Casualty	20
3	Motor Vehicle (Class 2(b) or 3(e))	12.5

4           7.5 hours of each pre-licensing course must be completed in  
5 a classroom setting, except Motor Vehicle, which would require  
6 5 hours in a classroom setting.

7           (c) A business entity acting as an insurance producer must  
8 obtain an insurance producer license. Application must be made  
9 using the Uniform Business Entity Application. Before  
10 approving the application, the Director must find that:

11           (1) the business entity has paid the fees set forth in  
12 Section 500-135; and

13           (2) the business entity has designated a licensed  
14 producer responsible for the business entity's compliance  
15 with the insurance laws and rules of this State.

16           (d) The Director may require any documents reasonably  
17 necessary to verify the information contained in an  
18 application.

19           (Source: P.A. 96-839, eff. 1-1-10.)

20           (215 ILCS 5/500-70)

21           (Section scheduled to be repealed on January 1, 2027)

22           Sec. 500-70. License denial, nonrenewal, or revocation.

23           (a) The Director may place on probation, suspend, revoke,  
24 or refuse to issue or renew an insurance producer's license,  
25 may issue a license with monitoring requirements, or may levy a

1 civil penalty in accordance with this Section or take any  
2 combination of actions, for any one or more of the following  
3 causes:

4 (1) providing incorrect, misleading, incomplete, or  
5 materially untrue information in the license application;

6 (2) violating any insurance laws, or violating any  
7 rule, subpoena, or order of the Director or of another  
8 state's insurance commissioner;

9 (3) obtaining or attempting to obtain a license through  
10 misrepresentation or fraud;

11 (4) improperly withholding, misappropriating or  
12 converting any moneys or properties received in the course  
13 of doing insurance business;

14 (5) intentionally misrepresenting the terms of an  
15 actual or proposed insurance contract or application for  
16 insurance;

17 (6) for licensees, having been convicted of a felony,  
18 unless the individual demonstrates to the Director  
19 sufficient rehabilitation to warrant the public trust;

20 (7) having admitted or been found to have committed any  
21 insurance unfair trade practice or fraud;

22 (8) using fraudulent, coercive, or dishonest  
23 practices, or demonstrating incompetence,  
24 untrustworthiness or financial irresponsibility in the  
25 conduct of business in this State or elsewhere;

26 (9) having an insurance producer license, or its

1 equivalent, denied, suspended, or revoked in any other  
2 state, province, district or territory;

3 (10) forging a name to an application for insurance or  
4 to a document related to an insurance transaction;

5 (11) improperly using notes or any other reference  
6 material to complete an examination for an insurance  
7 license;

8 (12) knowingly accepting insurance business from an  
9 individual who is not licensed;

10 (13) failing to comply with an administrative or court  
11 order imposing a child support obligation;

12 (14) failing to pay state income tax or penalty or  
13 interest or comply with any administrative or court order  
14 directing payment of state income tax or failed to file a  
15 return or to pay any final assessment of any tax due to the  
16 Department of Revenue;

17 (15) failing to make satisfactory repayment to the  
18 Illinois Student Assistance Commission for a delinquent or  
19 defaulted student loan; or

20 (16) failing to comply with any provision of the  
21 Viatical Settlements Act of 2009.

22 (b) If the action by the Director is to nonrenew, suspend,  
23 or revoke a license or to deny an application for a license,  
24 the Director shall notify the applicant or licensee and advise,  
25 in writing, the applicant or licensee of the reason for the  
26 suspension, revocation, denial or nonrenewal of the

1 applicant's or licensee's license. The applicant or licensee  
2 may make written demand upon the Director within 30 days after  
3 the date of mailing for a hearing before the Director to  
4 determine the reasonableness of the Director's action. The  
5 hearing must be held within not fewer than 20 days nor more  
6 than 30 days after the mailing of the notice of hearing and  
7 shall be held pursuant to 50 Ill. Adm. Code 2402.

8 (c) The license of a business entity may be suspended,  
9 revoked, or refused if the Director finds, after hearing, that  
10 an individual licensee's violation was known or should have  
11 been known by one or more of the partners, officers, or  
12 managers acting on behalf of the partnership, corporation,  
13 limited liability company, or limited liability partnership  
14 and the violation was neither reported to the Director nor  
15 corrective action taken.

16 (d) In addition to or instead of any applicable denial,  
17 suspension, or revocation of a license, a person may, after  
18 hearing, be subject to a civil penalty of up to \$10,000 for  
19 each cause for denial, suspension, or revocation, however, the  
20 civil penalty may total no more than \$100,000.

21 (e) The Director has the authority to enforce the  
22 provisions of and impose any penalty or remedy authorized by  
23 this Article against any person who is under investigation for  
24 or charged with a violation of this Code or rules even if the  
25 person's license or registration has been surrendered or has  
26 lapsed by operation of law.

1 (f) Upon the suspension, denial, or revocation of a  
2 license, the licensee or other person having possession or  
3 custody of the license shall promptly deliver it to the  
4 Director in person or by mail. The Director shall publish all  
5 suspensions, denials, or revocations after the suspensions,  
6 denials, or revocations become final in a manner designed to  
7 notify interested insurance companies and other persons.

8 (g) A person whose license is revoked or whose application  
9 is denied pursuant to this Section is ineligible to apply for  
10 any license for 3 years after the revocation or denial. A  
11 person whose license as an insurance producer has been revoked,  
12 suspended, or denied may not be employed, contracted, or  
13 engaged in any insurance related capacity during the time the  
14 revocation, suspension, or denial is in effect.

15 (Source: P.A. 96-736, eff. 7-1-10.)

16 (215 ILCS 5/500-76 new)

17 Sec. 500-76. Applicant convictions.

18 (a) The Director and the Department shall not require  
19 applicants to report the following information and shall not  
20 collect and consider the following criminal history records in  
21 connection with an insurance producer license application:

22 (1) Juvenile adjudications of delinquent minors as  
23 defined in Section 5-105 of the Juvenile Court Act of 1987,  
24 subject to the restrictions set forth in Section 5-130 of  
25 that Act.

1           (2) Law enforcement records, court records, and  
2           conviction records of an individual who was 17 years old at  
3           the time of the offense and before January 1, 2014, unless  
4           the nature of the offense required the individual to be  
5           tried as an adult.

6           (3) Records of arrest not followed by a conviction  
7           unless related to the duties and responsibilities of an  
8           insurance producer. However, applicants shall not be asked  
9           to report any arrests, and an arrest not followed by a  
10           conviction shall not be the basis of a denial and may be  
11           used only to assess an applicant's rehabilitation.

12           (4) Convictions overturned by a higher court.

13           (5) Convictions or arrests that have been sealed or  
14           expunged.

15           (b) When reviewing a conviction of a felony of the  
16           applicant for the purpose of determining whether to grant a  
17           license, the Director shall consider any evidence of  
18           rehabilitation and mitigating factors contained in the  
19           applicant's record, including any of the following:

20           (1) the lack of direct relation of the offense for  
21           which the applicant was previously convicted to the duties,  
22           functions, and responsibilities of the position for which a  
23           license is sought;

24           (2) whether 5 years since a felony conviction or 3  
25           years since release from confinement for the conviction,  
26           whichever is later, have passed without a subsequent

1 conviction;

2 (3) if the applicant was previously licensed or  
3 employed in this State or other states or jurisdictions,  
4 then the lack of prior misconduct arising from or related  
5 to the licensed position or position of employment;

6 (4) the age of the person at the time of the criminal  
7 offense;

8 (5) successful completion of sentence and, for  
9 applicants serving a term of parole or probation, a  
10 progress report provided by the applicant's probation or  
11 parole officer that documents the applicant's compliance  
12 with conditions of supervision;

13 (6) evidence of the applicant's present fitness and  
14 professional character;

15 (7) evidence of rehabilitation or rehabilitative  
16 effort during or after incarceration or during or after a  
17 term of supervision, including, but not limited to, a  
18 certificate of good conduct under Section 5-5.5-25 of the  
19 Unified Code of Corrections or certificate of relief from  
20 disabilities under Section 5-5.5-10 of the Unified Code of  
21 Corrections; and

22 (8) any other mitigating factors that contribute to the  
23 person's potential and current ability to perform the  
24 duties and responsibilities of an insurance producer.

25 (c) It is the affirmative obligation of the Director to  
26 demonstrate that a prior conviction would impair the ability of

1 the applicant to engage in the licensed practice. If the  
2 Director refuses to issue a license to an applicant, then the  
3 Director shall notify the applicant of the denial in writing  
4 with the following included in the notice of denial:

5 (1) a statement about the decision to refuse to issue a  
6 license;

7 (2) a list of the convictions that were the sole or  
8 partial basis for the refusal to issue a license;

9 (3) a list of the mitigating evidence presented by the  
10 applicant;

11 (4) reasons for refusing to issue a license specific to  
12 the evidence presented in mitigation of conviction items  
13 that formed the partial or sole basis for the Director's  
14 decision; and

15 (5) a summary of the appeal process or the earliest the  
16 applicant may reapply for a license, whichever is  
17 applicable.

18 (d) No later than May 1 of each year, the Director shall  
19 prepare, publicly announce, and publish a report of summary  
20 statistical information relating to new and renewal insurance  
21 producer license applications during the preceding calendar  
22 year. Each report shall show at minimum:

23 (1) the number of applicants for new or renewal license  
24 under this Act within the previous calendar year;

25 (2) the number of applicants for new or renewal license  
26 under this Act within the previous calendar year who had

1       any criminal conviction;

2           (3) the number of applicants for new or renewal license  
3       under this Act in the previous calendar year who were  
4       granted a license;

5           (4) the number of applicants for new or renewal license  
6       with a criminal conviction who were granted a license under  
7       this Act within the previous calendar year;

8           (5) the number of applicants for new or renewal license  
9       under this Act within the previous calendar year who were  
10       denied a license;

11           (6) the number of applicants for new or renewal license  
12       with a criminal conviction who were denied a license under  
13       this Act in the previous calendar year in whole or in part  
14       because of a prior conviction;

15           (7) the number of licenses without monitoring  
16       requirements issued under this Act in the previous calendar  
17       year to applicants with a felony conviction; and

18           (8) the number of probationary licenses with  
19       monitoring issued under this Act in the previous calendar  
20       year to applicants with a felony conviction.

21       (215 ILCS 5/1525)

22       Sec. 1525. Resident license.

23       (a) Before issuing a public adjuster license to an  
24       applicant under this Section, the Director shall find that the  
25       applicant:

1 (1) is eligible to designate this State as his or her  
2 home state or is a nonresident who is not eligible for a  
3 license under Section 1540;

4 (2) is sufficiently rehabilitated in cases in which the  
5 applicant has ~~not~~ committed any act that is a ground for  
6 denial, suspension, or revocation of a license as set forth  
7 in Section 1555;

8 (3) is trustworthy, reliable, competent, and of good  
9 reputation, evidence of which may be determined by the  
10 Director;

11 (4) is financially responsible to exercise the license  
12 and has provided proof of financial responsibility as  
13 required in Section 1560 of this Article; and

14 (5) maintains an office in the home state of residence  
15 with public access by reasonable appointment or regular  
16 business hours. This includes a designated office within a  
17 home state of residence.

18 (b) In addition to satisfying the requirements of  
19 subsection (a) of this Section, an individual shall:

20 (1) be at least 18 years of age;

21 (2) have successfully passed the public adjuster  
22 examination;

23 (3) designate a licensed individual public adjuster  
24 responsible for the business entity's compliance with the  
25 insurance laws, rules, and regulations of this State; and

26 (4) designate only licensed individual public

1 adjusters to exercise the business entity's license.

2 (c) The Director may require any documents reasonably  
3 necessary to verify the information contained in the  
4 application.

5 (Source: P.A. 96-1332, eff. 1-1-11.)

6 (215 ILCS 5/1550 new)

7 Sec. 1550. Applicant convictions.

8 (a) The Director and the Department shall not require  
9 applicants to report the following information and shall not  
10 collect or consider the following criminal history records in  
11 connection with a public adjuster license application:

12 (1) Juvenile adjudications of delinquent minors as  
13 defined in Section 5-105 of the Juvenile Court Act of 1987,  
14 subject to the restrictions set forth in Section 5-130 of  
15 that Act.

16 (2) Law enforcement records, court records, and  
17 conviction records of an individual who was 17 years old at  
18 the time of the offense and before January 1, 2014, unless  
19 the nature of the offense required the individual to be  
20 tried as an adult.

21 (3) Records of arrest not followed by a conviction  
22 unless related to the duties and responsibilities of a  
23 public adjuster. However, applicants shall not be asked to  
24 report any arrests, and an arrest not followed by a  
25 conviction shall not be the basis of a denial and may be

1 used only to assess an applicant's rehabilitation.

2 (4) Convictions overturned by a higher court.

3 (5) Convictions or arrests that have been sealed or  
4 expunged.

5 (b) When reviewing a conviction of any misdemeanor directly  
6 related to the practice of the profession or of any felony of  
7 the applicant for the purpose of determining whether to grant a  
8 license, the Director shall consider any evidence of  
9 rehabilitation and mitigating factors contained in the  
10 applicant's record, including any of the following:

11 (1) the lack of direct relation of the offense for  
12 which the applicant was previously convicted to the duties,  
13 functions, and responsibilities of the position for which a  
14 license is sought;

15 (2) the amount of time that has elapsed since the  
16 offense occurred;

17 (3) if the applicant was previously licensed or  
18 employed in this State or other states or jurisdictions,  
19 then the lack of prior misconduct arising from or related  
20 to the licensed position or position of employment;

21 (4) whether 5 years since a felony conviction or 3  
22 years since release from confinement for the conviction,  
23 whichever is later, have passed without a subsequent  
24 conviction;

25 (5) successful completion of sentence and, for  
26 applicants serving a term of parole or probation, a

1 progress report provided by the applicant's probation or  
2 parole officer that documents the applicant's compliance  
3 with conditions of supervision;

4 (6) evidence of the applicant's present fitness and  
5 professional character;

6 (7) evidence of rehabilitation or rehabilitative  
7 effort during or after incarceration or during or after a  
8 term of supervision, including, but not limited to, a  
9 certificate of good conduct under Section 5-5.5-25 of the  
10 Unified Code of Corrections or certificate of relief from  
11 disabilities under Section 5-5.5-10 of the Unified Code of  
12 Corrections; and

13 (8) any other mitigating factors that contribute to the  
14 person's potential and current ability to perform the  
15 duties and responsibilities of a public adjuster.

16 (c) It is the affirmative obligation of the Director to  
17 demonstrate that a prior conviction would impair the ability of  
18 the applicant to engage in the licensed practice. If the  
19 Director refuses to issue a license to an applicant, then the  
20 Director shall notify the applicant of the denial in writing  
21 with the following included in the notice of denial:

22 (1) a statement about the decision to refuse to issue a  
23 license;

24 (2) a list of the convictions that were the sole or  
25 partial basis for the refusal to issue a license;

26 (3) a list of the mitigating evidence presented by the

1       applicant;

2           (4) reasons for refusing to issue a license specific to  
3       the evidence presented in mitigation of conviction items  
4       that formed the partial or sole basis for the Director's  
5       decision; and

6           (5) a summary of the appeal process or the earliest the  
7       applicant may reapply for a license, whichever is  
8       applicable.

9       (d) No later than May 1 of each year, the Director shall  
10      prepare, publicly announce, and publish a report of summary  
11      statistical information relating to new and renewal public  
12      adjuster license applications during the preceding calendar  
13      year. Each report shall show at minimum:

14           (1) the number of applicants for new or renewal license  
15      under this Act within the previous calendar year;

16           (2) the number of applicants for new or renewal license  
17      under this Act within the previous calendar year who had  
18      any criminal conviction;

19           (3) the number of applicants for new or renewal license  
20      under this Act in the previous calendar year who were  
21      granted a license;

22           (4) the number of applicants for new or renewal license  
23      with a criminal conviction who were granted a license under  
24      this Act within the previous calendar year;

25           (5) the number of applicants for new or renewal license  
26      under this Act within the previous calendar year who were

1       denied a license;

2           (6) the number of applicants with a criminal conviction  
3       who were denied a new or renewal license under this Act in  
4       the previous calendar year in whole or in part because of a  
5       prior conviction;

6           (7) the number of licenses without monitoring  
7       requirements issued under this Act in the previous calendar  
8       year to applicants with convictions; and

9           (8) the number of licenses with monitoring issued under  
10       this Act in the previous calendar year to applicants with  
11       criminal conviction.

12       (215 ILCS 5/1555)

13       Sec. 1555. License denial, nonrenewal, or revocation.

14       (a) The Director may place on probation, suspend, revoke,  
15       deny, or refuse to issue or renew a public adjuster's license  
16       or may levy a civil penalty or issue a license with monitoring  
17       requirements or any combination of actions, for any one or more  
18       of the following causes:

19           (1) providing incorrect, misleading, incomplete, or  
20       materially untrue information in the license application;

21           (2) violating any insurance laws, or violating any  
22       regulation, subpoena, or order of the Director or of  
23       another state's Director;

24           (3) obtaining or attempting to obtain a license through  
25       misrepresentation or fraud;

1 (4) improperly withholding, misappropriating, or  
2 converting any monies or properties received in the course  
3 of doing insurance business;

4 (5) intentionally misrepresenting the terms of an  
5 actual or proposed insurance contract or application for  
6 insurance;

7 (6) for licensees, having been convicted of a felony or  
8 misdemeanor involving dishonesty or fraud, unless the  
9 individual demonstrates to the Director sufficient  
10 rehabilitation to warrant the public trust;

11 (7) having admitted or been found to have committed any  
12 insurance unfair trade practice or insurance fraud;

13 (8) using fraudulent, coercive, or dishonest  
14 practices; or demonstrating incompetence,  
15 untrustworthiness, or financial irresponsibility in the  
16 conduct of business in this State or elsewhere;

17 (9) having an insurance license or public adjuster  
18 license or its equivalent, denied, suspended, or revoked in  
19 any other state, province, district, or territory;

20 (10) forging another's name to an application for  
21 insurance or to any document related to an insurance  
22 transaction;

23 (11) cheating, including improperly using notes or any  
24 other reference material, to complete an examination for an  
25 insurance license or public adjuster license;

26 (12) knowingly accepting insurance business from or

1 transacting business with an individual who is not licensed  
2 but who is required to be licensed by the Director;

3 (13) failing to comply with an administrative or court  
4 order imposing a child support obligation;

5 (14) failing to pay State income tax or comply with any  
6 administrative or court order directing payment of State  
7 income tax;

8 (15) failing to comply with or having violated any of  
9 the standards set forth in Section 1590 of this Law; or

10 (16) failing to maintain the records required by  
11 Section 1585 of this Law.

12 (b) If the action by the Director is to nonrenew, suspend,  
13 or revoke a license or to deny an application for a license,  
14 the Director shall notify the applicant or licensee and advise,  
15 in writing, the applicant or licensee of the reason for the  
16 suspension, revocation, denial, or nonrenewal of the  
17 applicant's or licensee's license. The applicant or licensee  
18 may make written demand upon the Director within 30 days after  
19 the date of mailing for a hearing before the Director to  
20 determine the reasonableness of the Director's action. The  
21 hearing must be held within not fewer than 20 days nor more  
22 than 30 days after the mailing of the notice of hearing and  
23 shall be held pursuant to 50 Ill. Adm. Code 2402.

24 (c) The license of a business entity may be suspended,  
25 revoked, or refused if the Director finds, after hearing, that  
26 an individual licensee's violation was known or should have

1 been known by one or more of the partners, officers, or  
2 managers acting on behalf of the business entity and the  
3 violation was neither reported to the Director, nor corrective  
4 action taken.

5 (d) In addition to or in lieu of any applicable denial,  
6 suspension or revocation of a license, a person may, after  
7 hearing, be subject to a civil penalty. In addition to or  
8 instead of any applicable denial, suspension, or revocation of  
9 a license, a person may, after hearing, be subject to a civil  
10 penalty of up to \$10,000 for each cause for denial, suspension,  
11 or revocation, however, the civil penalty may total no more  
12 than \$100,000.

13 (e) The Director shall retain the authority to enforce the  
14 provisions of and impose any penalty or remedy authorized by  
15 this Article against any person who is under investigation for  
16 or charged with a violation of this Article even if the  
17 person's license or registration has been surrendered or has  
18 lapsed by operation of law.

19 (f) Any individual whose public adjuster's license is  
20 revoked or whose application is denied pursuant to this Section  
21 shall be ineligible to apply for a public adjuster's license  
22 for 5 years. A suspension pursuant to this Section may be for  
23 any period of time up to 5 years.

24 (Source: P.A. 96-1332, eff. 1-1-11.)

25 Section 99. Effective date. This Act takes effect January

1 1, 2018.".